

**MADISON COUNTY PLANNING BOARD MEETING
MEETING MINUTES
09/26/2022**

1. Call to Order: 6:00 p.m. by President Steve Janzen

2. Roll Call:

Members Present: Laurie Schmidt, Steve Janzen, Rita Owens, Darlene Tussing, Pat Bradley and Betsey Weltner.

Members Virtual: Maggie Good, Del Bieroth, Tamara Millican-Wood and John Stowe.

Members Absent: Lincoln Roberts

Staff Present: Michelle Schriock (Planning Clerk), Kristy Harper (Planner I) and Ryan Wolter (IT).

Others Present: Cody Marxer (Planner- Great West Engineering), George and Sibille Beimel, Beth Famiglietti (Lone Mountain Land), Kaye Counts, Gerry Arambula, Mike Vetz, Charles Bowman, Sanford Harvey, Todd Gruenhagen, Larry Pine, Tom Riggs, Joe Janik, Craig V Eggers, Marina Smith, Dodie Arterburn, Pam Townshend, Ave Arterburn, Harry Townshend, Barbara Pearson, Saeid and Ellie Regaie, Kevin and Kristie Vessey (4V Group), Christina Calabrese (Lone Mountain Land), Bob Ellis, Dianna Ellis, Thomas McCormack, Scott Payne (WWC Engineering), Cynthia Aden, Kate Rose (Madisonian), Colin Rice, Mike Uetz, David Arterburn and Kevin Germaine (Lone Mountain Land).

Others Virtual: Clayton Marxer, Gifford Cochran, Alisa, Beightol, Kimberly Clement, Joseph Smith, Jim Mangie, Karen Rice, Steve Decker, Morgan Haak, Lisa Beightol Cantwell, Sam Haak, Steve Dolcemaschio, Trevor McSpadden (Haystack Development), Ann Glasmann, Curtis and Diane Sandau, Pam, Tom and Michele Schroeder, Steven R Eckert, Paul Mansur, Samantha and Randy Arbogast, Fran McNeill, Diane Haak, Mike Beach, Jen Decker and David and Natalie Six.

3. Minutes:

- August 29, 2022
- September 22, 2022

The August 29, 2022 and September 22, 2022 minutes will be reviewed at the October meeting as these are both related to The Crossings Subdivision which was continued.

4. President's Comments:

5. Opportunity for Public Comment for items not on the agenda: Janzen noted to the Planning Board and those in attendance that there will be a time limit of 30 minutes for items not on the agenda and then continue public comment for items not on the agenda after the preliminary plat hearings and pre-application.

- Barbara Pearson – Representing Virginia City Ranches as HOA President and has concerns regarding a letter of violations in the subdivision that was sent to Commissioner Allhands. A resident is in violation of the covenants that were developed on April 19, 1973 noting only one dwelling for single family occupancy is permitted on any one parcel. He owns a 7.44-acre lot,

lives with a number of residents in a house on the property and recently moved two trailers onto his lot. Those trailers are now occupied by multiple individuals. His actions are in violation of the covenants and are causing consternation among the neighbors. They contacted the Madison County Sanitarian on September 8, 2022. They are asking the Planning Board to provide them with advice and direction on how to proceed.

- Kaye Counts – Read a letter of dispute from Randy Arbogast to Mile Creek RV Park and Resort, this will be emailed to Planning Board Secretary to be placed on record and provided to Planning Board members to review when the public hearing is held. The letter focused on fire protection.
- David Arterburn – Resident since 1999. On September 11, 2022 a visitor to Driftwaters RV Park collapsed. It took 30 minutes to respond, life flight another 15 minutes, patient later passed away. This RV park is another 15 minutes away, this causing a more delayed response time. In 'perfect' traffic conditions the time for emergency responders is 45 minutes.
- Samantha Arbogast – Public health and safety is a big concern. There are staffing shortage issues with emergency responders and EMTs are the only ones responding. According to the MCSR Chapter IV-19 Growth Policy requires a 15-minute response time, this is of great concern.
- Steve Eckert – Opposed to RV park. Competent staff should take guidelines to heart.
- Pam Townshend – Each season they experience severe fatalities. Warning guests doesn't always resonate with frequent close calls. Planning needs to recognize the Madison Valley, wildlife and its treasures.
- Randy Arbogast – Retired battalion chief tonight he will be addressing fire response. He's well aware of response times and water regulations. MCSR response time of over 45 minutes is not allowed. 35-40 minutes for command vehicle to respond. Highway 87 & 287 has a lot of traffic hard to be safe and responsible in an emergency. Unobtainable by MCSR and recommend to deny the application.
- Dianna Ellis – Buffalo Lance Subdivision homeowner. Previously experienced a fire tragedy in California. Planning needs to recognize how the residents of Madison Valley can be impacted by fire and the delay in response times could be hazardous and life threatening. Recommends denial of this application.

6. Statement of Conflict of Interest/Ex-Parte Communications:

- Tamara Millican-Wood was contacted by Dino Fanelli in May 2022 regarding the subdivision on the agenda for this evening. She recommended he contact the Planning Department via email, telephone for his comments.

Janzen read the Statement of Process of Rights:

The review process is directed by state statute and procedural rules. Rules help guarantee the rights of all parties to be fairly heard and give the Board full opportunity to deliberate on the proposal.

7. Public Hearing: Shadow Ridge Subdivision 6:38 p.m.

Cody Marxer, Contract Planner, presented a summary of the staff report, as included in the record and on file, calling special attention to the park dedication waiver request, impacts on wildlife habitat, impacts on public health and safety, and density.

Scott Payne of WWC Engineering, representative for the project, provided a summary of the project and noted that the recommended conditions of approval are acceptable to the developer.

Public comment was received at the hearing and all comments have been included in Exhibit 2 of the staff report.

Charles Bowman - Pronghorn Meadows (PM) resident. 200' wildlife corridor in PM. Open space offers no continuity to existing corridors. Coulees are narrow and not wildlife accessible. Clustered development does not help wildlife. Larger concern is traffic safety. 70 mph and lots of passing. Too many factors on that stretch of highway. Ingress/egress should line up with existing ingress/egress in PM. Observed increased traffic. Introducing cluster development will make this like Four Corners. Water is a concern; well testing in PM is showing decreased aquifer production. Adding development stress will only negatively impact all wells.

Colin Rice - Rice Ranches, adjacent landowner. Water concern. The one existing well on the property is already dry. Concerned for the aquifer. Right to Farm should be included in perpetuity.

Todd Gruenhagen - PM resident. Looked for current DEQ and DNRC approvals, but didn't find any. Water concerns. Graham Drilling, who is drilling up the road on Lynx Path, says the wells are at 350-400' in this area. Application shows ~6 million gallons of water needed annually. DNRC's vested groundwater rights shouldn't have any bearing. Discussion on water law. No setbacks from highway is also a concern. No rural feel.

Sanford Harvey - PM resident. Water concerns. Clustered development dries water sources. Look ahead now to prevent water issues. Needs turnout lanes, bus turnouts; concerned for school kids. Power concerns; how will they get a grid in there? Where is the FWP letter in the application?

Craig V Eggers - PM resident. Issue with engineering study on water availability. Narrow coulees are not ideal. Cluster homes look like California. Not consistent with Madison County rural development. Consider impacts of clustered development. Traffic- echo Bowman's concerns. Fast and busy and traffic study is highly unbelievable. Safety is a concern for Shadow Ridge, PM, and VC Ranches. PM still not at full build out, so more traffic is to come. PM covenants very restrictive for appearance and light pollution. Are these homes western style? Are there architectural guidelines? Is this intended to be urban development or rural? Elk are also present in the area in the winter.

Mike Uetz - PM resident. Used to be a developer in other states. Hasn't seen the whole application or staff report, but what's been presented is limited. 1.5 acre lots is too high of density for all reasons already mentioned. Come visit the site. Steep slopes, at least three home sites are encroaching on these slopes. More analysis needs to be done before approval.

Joe Janik – He has developed homes for over 40 years and the information in the application is misleading. Density is not what is being represented. Each homesite is almost 1-acre. He's not against development but noted there is too much density in this proposed subdivision. There are steep slopes that the homes are encroaching upon. More analysis needs to be done.

Public comment was closed at 7:29 p.m.

Planning Board Comments/Questions:

**Responses in italics are from Scott Payne, project representative, unless otherwise noted.*

Weltner: Is there a plan for school busses? *Yes, they will be entering in to the first cul-de-sac. 70 mph is the speed limit on MT Hwy 287 in this area; has there been any discussion with MDT to reduce the speed limit? The independent engineering study suggested double (non-passing) striping only. Traffic in this area is up from recent years but historically MDT has not reduced speeds to accommodate growth.*

Schmidt: Regarding fencing, are the details on "wildlife-friendly" available anywhere for landowners? *Yes, they are included in the covenants.*

Bradley: Would you consider less density? *We could put lots into lower areas but also need to turn a profit; aiming to keep the proposal the same as it was in 2007. Regarding wildlife corridors, they seem to be offset from Pronghorn Meadows corridors? Was any comment received? Not familiar with Pronghorn*

Meadows corridors, as I didn't find them on the plat. DEQ and DNRC approvals are in place for Shadow Ridge. Only development is to the South; animals can move West to East to undeveloped areas. I notice clustering, but have some geological concerns. Is the developer building homes or selling lots? A combination of building and selling lots. And all lots are on slopes of 15% or less? You have roads crossing Open Space lots; where are the animals supposed to cross? Wildlife will cross the roads. Are your water rights vested? Water rights are exempt, none are vested. Exempt well water rights have to be under 35gpm and 10-acre feet to remain exempt. This project is following the rules. If you don't like the rules, change them. DEQ determines water capacity and water quality for all subdivisions.

Millican-Wood: I understand how DEQ works, but I have a problem with DEQ approvals in perpetuity.

Good: The FWP letter/comment suggests North/South corridors for antelope; is the developer open to rearranging the site plan to accommodate? *No. Could you move Lot 5 to help? Our site plan addresses wildlife as best we can.*

Owens: Who owns the adjacent lands? *Rice Ranches and a new landowner, who also plans to develop.*

Good: Can you add a turning lane on-site to accommodate school busses? *Busses will use a turnaround.*

- Roadway surfaces (Good)
- Density, geology, wildlife movement, concerns that were present during original proposal (Bradley)
- Highway setbacks (Tussing)
- Watering restrictions (Good)
- Clustering (Janzen)- It was noted that the Madison County Growth Policy encourages clustered development; FWP has also historically encouraged clustered development.

MOTION TO ACCEPT FINDINGS OF FACT WITH AMENDMENTS BY SCHMIDT, SECONDED BY OWENS. MOTION CARRIED UNANIMOUSLY.

MOTION TO ACCEPT CONDITIONS OF APPROVAL AS PRESENTED IN STAFF REPORT BY GOOD AND SECONDED BY SCHMIDT. MOTION CARRIED UNANIMOUSLY.

MOTION TO APPROVE WAIVER BY BIEROTH AND SECONDED BY TUSSING. MOTION CARRIED UNANIMOUSLY.

MOTION TO RECOMMEND PRELIMINARY PLAT APPROVAL WITH AMENDED FINDINGS, SITE-SPECIFIC AND STANDARD CONDITIONS OF SHADOW RIDGE SUBDIVISION TO MADISON COUNTY BOARD OF COUNTY COMMISSIONERS BY SCHMIDT, SECONDED BY GOOD. MOTION CARRIED UNANIMOUSLY.

Public Hearing: Section 24 Subdivision & PUD 8:28 p.m.

Harper provided overview of project as provided to the Planning Board. The project is approximately 8,000 acres within Madison County, west of the Madison-Gallatin county line, in Big Sky, Montana.

Moonlight Basin has been the subject of a master planning effort that was reviewed and approved as an Overall Development Plan (ODP) in 2018 and this subdivision proposal is consistent with the conditions of approval set forth within that ODP. This subdivision is being submitted as a Planned Unit Development (PUD) to address two modifications to the design standards specified in Section IV-A of the Madison County Subdivision Regulations (MCSR). The need for a traffic impact study will be determined during the pre-application phase of each specific development proposal. This is a 14-parcel subdivision in the Moonlight Basin area and consists of one residential condominium lot (Condo Lot 1) of 8.24 acres, three open space tracts totaling 44.60 acres, two utility tracts totaling 50.69 acres, two lots for future development totaling 35.77 acres, and six road tracts totaling 22.30 acres. Water for domestic consumption and fire protection will be provided by an extension of the MT Moonlight Basin Water and Sewer LLC mains which are currently located in and around the property. Wastewater treatment will also be provided with individual extensions. Maverick Trail shall be constructed with a minimum 60-foot right-of-way width in order to follow MCSR roadway standards, Maverick trail shall include a cul-de-sac and secondary emergency access in order to follow MCSR roadway standards and provide documentation of Montana DEQ approval for a stormwater management plan. Applicable permitting for all work within waterbodies and wetlands shall be obtained from the Madison County Conservation District, Montana Department of Fish Wildlife and Parks, and the US Army Corps of Engineers prior to actual work and documentation of all applicable permitting (obtained to date and to be obtained) shall be submitted prior to final plat approval, all covenants and wildlife-focused mitigation measures presented in the preliminary plat application shall be enforced and implemented. A deed or irrevocable covenant shall be applied to preserve Open Space lots. Submit with the final plat application, the site-specific geotechnical report that was prepared for Condo Lot 1, as the building envelope is located just adjacent to a high hazard geological area. Future land owners are required to adhere to a series of wildlife protection measures including a requirement to provide bear-proof garbage containers and a prohibition on feeding any wildlife. Design and construction of internal subdivision roads, including changes to existing roads and cul-de-sacs shall be certified by a licensed engineer and constructed and paved in accordance with MCSR and applicable road standards.

Comments from developer:

Christina Calabrese (Lone Mountain Land Company) – provided handouts with waivers they are asking for. They are requesting the following modifications as a part of the application in MCSR Chapter IV-A.9. g. Maverick Trail will terminate at a hammerhead or “T” turnaround. This road will provide access to more than 5 units (8). The turnaround is designed to the BSFD standard for an “Acceptable Alternate to Hammerhead”. This access has been reviewed and approved by the BSFD as a part of the Fire Protection Plan. Chapter IV-A. Table IV-1 The interior roadway for Maverick Trail will be constructed within a 40-foot public access and utility easement. The road surface will be designed to the MCSR standard for access roads. She noted the BSFD’s letter of review access via the 40-foot public access easement with a hammerhead turnaround meets the BSFD standard for an acceptable alternative to a cul-de-sac, the installation of two new fire hydrants capable of delivering a minimum of 2,000 gallons per minute via extension of the MT Moonlight Basin Water & Sewer LLC water mains surrounding the site, adherence to the provisions of the Condo Declaration Covenants, and adherence to best practice building and vegetation practices for building in the wildland urban interface (WUI).

Public Comment 8:45 p.m. None

Planning Board Discussion: 8:46 p.m. (responses in italics are from Christina Calabrese, unless otherwise noted)

Bradley: How high are the buildings? *To be determined.*

Bradley: It’s a unique physical challenge with the steep hillside, is that a problem? *They’re keeping them as close in distance to the driveway for a car to park, keeping them out of the slopes.*

Bradley: How about workforce housing? *They’re addressing this.*

Bradley: Section ‘M’ on the maps, how much disturbance is there of trees? *2.2 acres total*

Weltner: Is the difference between a cul-de-sac and hammerhead related to costs? *A hammerhead is more efficient use of land and space.*

Good: Is there a secondary road for egress? *No, there is not*

Good: When will there be a new fire department built? *When there's a condition at a certain stage of development.*

Good: The TIS, will the next study compare to the original ODP?

Good: Regarding hammerhead verses cul-de-sac, is there more grading with a cul-de-sac? *There is more disturbance constructing a cul-de-sac verses a hammerhead, they're trying to avoid as much disturbance as possible.*

Good: Is there a requirement for secondary access? *Harper – there may be a secondary access required.*

MOTION TO ACCEPT FINDINGS OF FACT WITH AMENDMENTS BY TUSSING, SECONDED BY BRADLEY. MOTION CARRIED UNANIMOUSLY.

MOTION TO APPROVE CONDITIONS OF APPROVAL WITH AMENDMENTS BY GOOD, SECONDED BY SCHMIDT. MOTION CARRIED UNANIMOUSLY.

MOTION FOR SITE SPECIFIC CONDITIONS #4 & #19 CHANGE CUL-DE-SAC TO HAMMERHEAD BY GOOD, SECONDED BY TUSSING. MOTION CARRIED UNANIMOUSLY.

MOTION TO NOT REQUIRE SECONDARY/EMERGENCY ACCESS OFF MAVERICK TRAIL BY GOOD, SECONDED BY TUSSING. MOTION CARRIED UNANIMOUSLY.

MOTION FOR MAVERICK TRAIL TO BE CHANGED FROM 60' TO 40' RIGHT OF WAY BY TUSSING, SECONDED BY OWENS. MOTION CARRIED UNANIMOUSLY.

MOTION TO ADD LANGUAGE TO SITE SPECIFIC CONDITION #6 100' SETBACK FROM WATERWAYS BY BRADLEY, SECONDED BY TUSSING. MOTION CARRIED UNANIMOUSLY.

MOTION TO RECOMMEND PRELIMINARY PLAT APPROVAL WITH AMENDED FINDINGS AND SITE-SPECIFIC AND STANDARD CONDITIONS OF SECTION 24 SUBDIVISION AND PUD TO THE MADISON COUNTY BOARD OF COUNTY COMMISSIONERS BY TUSSING, SECONDED BY WELTNER. MOTION CARRIED UNANIMOUSLY.

8. Pre-Application: Moonlight Basin – Lee's Pool Observatory/Distillery

Kevin Germain provided an overview of the project. This project proposes to create a new Condo Lot (Lot 1), approximately 2.815 acres within an approximate 40.40-acre open space lot (platted as Open Space A for the Lee's Pool Subdivision PUD). Lot 1 would result in Open Space A1, approximately 16.497 acres and Open Space A2, approximately 21.096 acres. They would develop an observatory/distillery on Lot 1. The plan is to provide a nearby amenity destination experience by utilizing a buggy route and providing a building that honors the historic architecture of the past. The distillery will be a bar with planned light fare and will not manufacture liquor. Occupancy will be under 150 people, not a large building, still working on the design of the observatory.

Planning Board Questions:

Schmidt – Is this open to the public? Germain – Only available to hotel guests.

Schmidt – Why call it a distillery? Germain - It's a name that has stuck since the concept came up.

Millican-Wood -Will people be driving there? Germain - People won't be allowed to drive there. Staff will guide the visitors up to the destination. It's a 6-minute walk from the main lodge.

Bradley – Will horses have to be brought in? Germain - No, they're calling it a buggy but it is actually a small motorized vehicle.

Germain – Asked to have a presentation for the wildlife monitoring cameras data for the past 12 years to be on a future agenda to show the wildlife monitored in Moonlight Basin and Spanish Peaks. He will coordinate with the Planning Board secretary for the date to be determined.

5. Opportunity for Public Comment for items not on the agenda:

Kevin Germain (Lone Mountain Land) – Discussed the TEDD (Targeted Economic Development District) and asked for it to be a future agenda item for the Planning Board to hear the presentation and asking for a possible letter of recommendation from the board.

Cody Marxer – In looking at the Planning Board's meeting for November. With the upcoming application for the Mile Creek RV Park & Resort, can a second meeting be planned? After discussion, it was decided that the meeting dates will be the regularly schedule November 28th and if needed, a second meeting on November 29th. It was also discussed that being the October meeting lands on October 31st, it be changed to October 24th at 6:00 p.m.

- 9. Monthly Report:** No concerns noted. Schriock noted that an application had been received for the Planning Board from a citizen of Virginia City and that it will be on the October 4, 2022 Board of County Commissioners agenda for appointment. Planning Board agreed that representation from Virginia City is important and looks forward to having a new board member.

10. New Business: Planning Office and GIS

Schriock – A Planner II (Connie Dedrick) has been hired, she will officially be in the office November 1, 2022. Schriock is continuing to processing the PCSR applications, assigning addresses, etc. Planning Board discussion included why GIS is under Planning and it should be separated. this could be on the next agenda to discuss in more detail.

- 11. Unfinished Business:** Bylaws and Subdivision Regulations revisions. The Bylaws will need to be brought before the Commissioners for the changes to Public Hearing process. The Subdivision Regulations will be reviewed in November. The Planning Board requested 3 months of budget cycle reports. Schriock noted this and will email to the board. Also, it was requested that a line item for Planning Board Budget be a placard on the agenda. September 2023 grants deadline applications be on a future meeting agenda.

12. Planning Board Member Reports:

Bieroth – Apologized for being late and had nothing new to report.

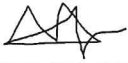
Owens – With all of the meetings lately and public comment, we don't have anything to answer questions or to provide for the public. Schmidt said she might have something that will address that.

Bradley: She had gone through some of her past materials and found some informational sheets on impact fees and would like them to be distributed to other Planning Board members. Schriock will put these in the October packet. Also, she would like to discuss the Planning Board's budget in a future meeting.

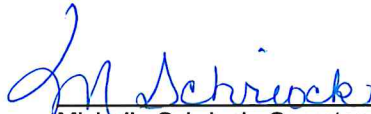
Schmidt: Has an informational 'A to Z' on Planning. She is working with Marxer to update and once it is completed, it could be something shared with the public so they are aware of the subdivision process. It may help alleviate confusion.

13. Adjournment

The meeting was adjourned at 10:43 p.m.



Steve Janzen – President



Michelle Schriock, Secretary